

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of remarks herewith.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-18 are pending. Claims 1, 2, 7, 8, 13, and 14, which are independent, are hereby amended. No new matter has been added. Support for this amendment is provided throughout the Specification as originally filed and specifically in Figures 5 and 6 and paragraphs [0079]-[0113] of the Published Application). Claims 19-24 have been canceled without prejudice or disclaimer of subject matter. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,966,387 to Cloutier (hereinafter, merely "Cloutier") in view of U.S. Patent No. 6,175,385 to Kohiyama, et al. (hereinafter, merely "Kohiyama").

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...adjustment means for adjusting a reproduction time by:

calculating a number equal to a number of packets of stream data where the difference between said reception time and said reproduction time is a time equivalent to one clock cycle; and

utilizing the number to maintain less than one clock cycle maximum between an actual reception timing and the reproduction time...” (Emphasis added)

Claim 1 generally refers to receiving streaming data and adjusting the time stamp of received data based on two parameters:

- 1.) calculating a number of packets of stream data where the difference between the reception time and the reproduction time is a time equivalent to one clock cycle; and
- 2.) using that number to maintain less than one clock cycle maximum between an actual reception timing and the reproduction time.

As understood by Applicants, Cloutier relates to network monitoring devices used to monitor timing errors created during transport of digital information through packet switched networks such as Asynchronous Transfer Mode (ATM) networks.

Kohiyama relates to a PLL circuit having a counter and an adjuster for providing a signal synchronized with an external reference signal. The counter counts clock periods of a fixed frequency reference signal and the adjuster increments or decrements a value counted a predetermined number of times in a predetermined period according to the deviation from the fixed frequency reference period.

Applicants submit that nothing has been found in Cloutier or Kohiyama, taken alone or in combination, that teaches or suggests an adjustment means for adjusting a reproduction time based on the two parameters recited in claim 1. Specifically 1.) by calculating a number equal to a number of packets of stream data where the difference between said reception time and said reproduction time is a time equivalent to one clock cycle and 2.) utilizing the number to maintain less than one clock cycle maximum between an actual reception timing and the reproduction time.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 2, 7, 8, 13, and 14 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**


In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800